

### **REMARKS**

Claims 1-39 are pending in the present application. Claims 1-3, 7, 8, 14-16, 20-21, 27-29, 31-39 were amended. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

#### **I. 35 U.S.C. § 101**

The examiner has rejected claims 1-13 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter, noting, "*The above mentioned claims can all be performed by a human process.*" This rejection is respectfully traversed.

It is noted that claim 1 has been amended to recite that the method comprises "*computer-implemented steps*" and to recite receiving the information "*in a processing device*" so as to place the claims within the technological arts. It is believed that this rejection is overcome.

#### **II. 35 U.S.C. § 112, Second Paragraph**

The examiner has rejected claims 3 and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Claim 3 was rejected for not defining the entry being looked up. It is submitted that this claim has been amended to recite that the method uses "*said identification of the user to find a profile for the user*"; it is submitted that this rejection is overcome.

It is believed that the rejection of claim 12 was intended for claim 7, for not defining "*selection*". Claim 7 has been amended to recite receiving "*a request for specific information*"; it is submitted that this rejection is overcome.

Therefore the rejection of these claims under 35 U.S.C. § 112, second paragraph has been overcome.

### III. 35 U.S.C. § 102, Anticipation

Claims 1-39 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Becker; (6,192,341 B1; Feb. 20, 2001). This rejection is respectfully traversed.

As to claims 1-39, the Office Action states:

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in the aforementioned case will anticipate the genus claimed in the instant application. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989)<sup>1</sup>

The claims have been amended to clarify the invention and more clearly point out the differences between Becker and the present invention. Claim 1 recites,

1. (Currently amended) A method for providing information content to a user, comprising the computer-implemented steps:
  - automatically receiving, from a device carried by a user, an identification of the user in a processing device;
  - using said identification of the user to determine one or more physical limitations of the user regarding receipt and/or interpretation of information content; and
  - outputting information content to the user based on the one or more physical limitations of the user.

The present invention is directed to making enhanced access for handicapped persons an automatic feature. The user carries a device to identify them that either contains an indication of their special needs or else points to a database where their identification can be used to look up their special needs. The device can range from a magnetic card to a wireless personal assistant, but will provide identification automatically, without special requests from the user. This is shown in the claims by the "*automatically receiving*" step. In contrast, Becker is directed to providing the additional capabilities, but not automatically. It is submitted that with the claimed invention, public devices can be programmed to automatically provide enhanced access to persons with any kind of disability.

<sup>1</sup> Office Action dated December 9, 2004, pages 3-4

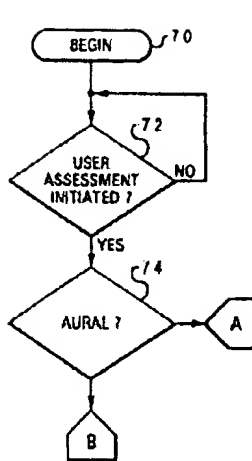


Fig. 3

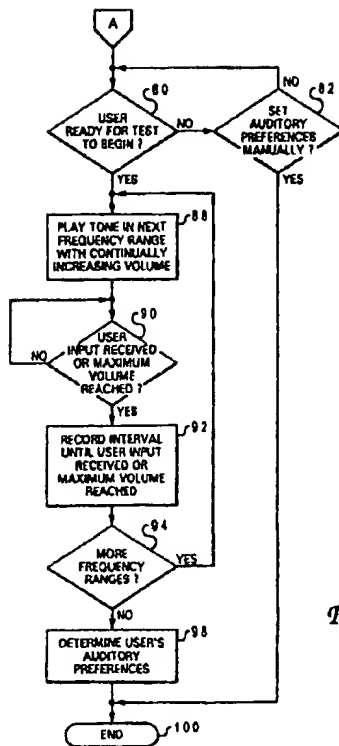


Fig. 4

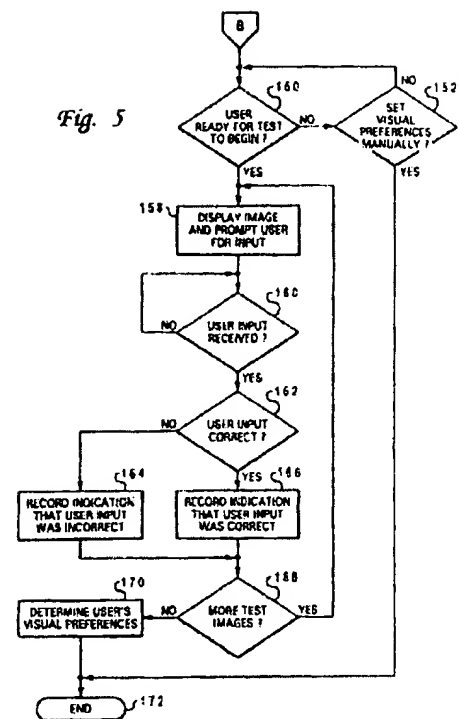


Fig. 5

The three figures above are taken from Becker and show the process disclosed in this patent. As shown here, Becker is very concerned with testing the user to determine the best method of providing information, but such a test must be initiated. Nor does Becker appear to disclose this capability elsewhere in the application. Thus, it is submitted that this rejection is overcome.

Additionally, several of the dependent claims recite additional patentable features. For example, claim 2 recites that *"said using step retrieves designations of the physical limitations from the device carried by the user"*. Becker does not appear to teach a device that provides identification of the user to the computing device.

Additionally, claim 3 recites, *"said using step determines one or more physical limitations of the user by using said identification of the user to find a profile for the user in a user profile database"*. Becker does not appear to show a profile database in which a profile of the user, including physical disabilities, is stored.

Therefore, the rejection of claims 1-39 under 35 U.S.C. § 102(e) has been overcome.

Furthermore, Becker does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Although Becker is directed to providing enhanced services to handicapped persons, this patent is concerned with a different aspect of the problem than is the present invention. Absent the examiner pointing out some teaching or incentive to implement Becker and automatically receiving information regarding a person's disabilities, one of ordinary skill in the art would not be led to modify Becker to reach the present invention when the reference is examined as a whole.

#### IV. 35 U.S.C. § 103, Obviousness

Claims 1-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Surve et al. (6 591 008 B1); and further in view of Engelke et al. (5 974 116). This rejection is respectfully traversed.

As to claims 1-39, the Office Action states:

- 22. As to claims 1, 14 and 27 A method for providing information content to a user, comprising:
- 23. receiving an identification of the user; **Surve teaches an individuals profile(c.1 l.51-52)**
- 24. determining one or more physical limitations of the user regarding receipt and/or interpretation of the information content based on the identification of the user; and **Surve teaches identifying a limitation but fails to teach interpretation; Engelke teaches a system, method and apparatus for interpreting a conversation. It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Engelke with Surve so as to have a device capable of assisting an individual with a hearing limitation.(c2 l. 54)**
- 25. outputting information content to the user based on the one or more physical limitations of the user. **Surve teaches displaying content adjusted to the person; (c. 1 l.50-51)**

The summary of the invention of Surve states,

The present invention meets the need by providing a method for displaying a digital color image to a visually impaired person that includes the steps of: measuring the visual response of the person and specifying a set of enhancement profiles relating to the person's color and spatial frequency visual perception, adjusting the color content of the digital color image in response to a color content enhancement profile; adjusting the spatial frequency content of the image in response to a spatial frequency profile;

adjusting the contrast of the image in response to a contrast adjustment profile; and displaying the adjusted digital image to the person.

Thus, as stated above, Surve is directed to enhancing color images for the visually impaired person. This patent is not directed to providing automatic capabilities, but to providing enhanced color capabilities.

Similarly, Engelke notes,

An electronic personal interpreter is provided so that deaf or hard of hearing persons can use on-the spot interpreting to converse with hearing persons who do not know sign language. The personal interpreter uses a telephone connection to a telephone relay system for the deaf to perform the actual interpretation. By using a wireless telephone connection, the device is made portable and by using improved communication protocols and a fast translation technique at the relay, conversation-like speeds of information interchange can occur. Thus for the first time, deaf people will be free to move in hearing society and engage in normal speed conversations with hearing people without special adaptations or training by the hearing people.

Engelke uses a device dubbed an electronic personal interpreter, a schematic of which is shown below. Engelke describes the capabilities thus,

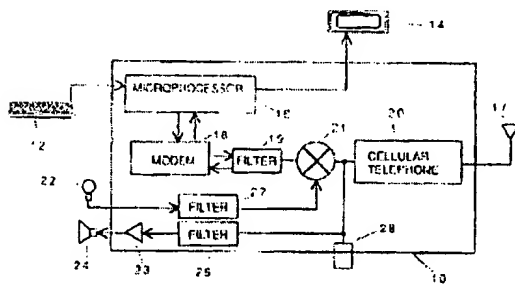


FIG. 2

Even a brief description of the operation and functionality of the personal interpreter reveals the dramatic improvement in convenience and portability that this device gives to deaf people. A deaf user can take the personal interpreter 10 into an establishment, ... place the personal interpreter 10 upon a counter or other surface, open it up, and press the initiation key or start button. The microprocessor 16 and modem 18 of the personal interpreter then power up and act in many ways like a normal TDD device operating in a telecommunication standard protocol ... the relay utilize[s] a fast transcription system, such as the one

described below, so that the spoken voice words of hearing people can be rapidly translated to text for the deaf person.

Thus, while this patent utilizes a device to aid a handicapped person, a computing system is not *"automatically receiving, from a device carried by a user, an identification of the user in a processing device"*. Rather, the user initiates a connection so that a voice-to-text translation can be made. It is submitted that since neither Surve nor Engelke disclose the step of *"automatically receiving, from a device carried by a user, an identification of the user in a processing device"*, their combination cannot be expected to show this limitation.

Therefore, the rejection of claims 1-39 under 35 U.S.C. § 103(a) has been overcome.

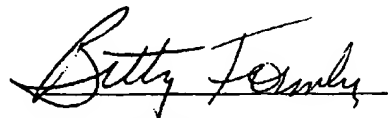
V. Conclusion

It is respectfully urged that the subject application is patentable over Becker, Surge, and Engelke and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: March 9, 2005

Respectfully submitted,



Betty Formby  
*Registration No. 36,536*  
AGENT FOR APPLICANTS  
Duke W. Yee  
*Registration No. 34,285*  
ATTORNEY FOR APPLICANTS  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777

BEST AVAILABLE COPY